

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NORTH AMERICAN COMPANY FOR  
LIFE AND HEALTH INSURANCE,  
  
Plaintiff,  
  
v.  
  
JULIE RENEE MARTIN, ROLLIN  
CHARLES BENNETT, and JOSEPH  
RODERICK CLARK,  
  
Defendants.

Case No.: 15cv1595 AJB (WVG)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR AN EXTENSION OF  
TIME TO SERVE DEFENDANTS  
AND DENYING WITHOUT  
PREJUDICE PLAINTIFF'S  
REQUEST FOR AN ORDER  
AUTHORIZING ALTERNATE  
MEANS OF SERVICE**

**(Doc. No. 9)**

Presently before the Court is Plaintiff North American Company for Life and Health Insurance's ("Plaintiff") motion for an extension of time to serve Defendant Julie Renee Martin ("Martin") and to permit an alternative means of service. (Doc. No. 9.) In its motion, Plaintiff explains that Martin is residing in Mexico and Plaintiff has been unable to serve Martin within the time prescribed by Rule 4 of the Federal Rules of Civil Procedure. (*Id.* ¶ 10.) Plaintiff further represents that Martin has obtained counsel, but has not authorized her counsel to accept service of process on her behalf. (*Id.* ¶¶ 7, 9.) Plaintiff requests the Court exercise its discretionary powers under Rule 4(f)(3) and order that Plaintiff may serve Martin through an alternative means of service, specifically

1 through email or mail to Martin's attorney or via ordinary mail to Martin's mailing  
2 address in Chula Vista, California. (*Id.* ¶ 13.)

3       Upon review of Plaintiff's motion and the facts set forth therein, the Court finds  
4 good cause exists to extend the time for Plaintiff to serve Martin. *See* Fed. R. Civ. P. 4(m)  
5 (noting if a plaintiff shows good cause for the failure to timely serve a defendant, "the  
6 court must extend the time for service for an appropriate period"). Thus, the Court  
7 **GRANTS** Plaintiff's request for an extension of time to serve Martin, and permits  
8 Plaintiff an additional sixty (60) days from the date of this order within which to properly  
9 effect service on Defendant Martin. The Court, however, **DENIES WITHOUT**  
10 **PREJUDICE** Plaintiff's request for an order authorizing an alternative means of service.  
11 If Plaintiff is unable to properly effect service within the additional time allotted, Plaintiff  
12 may refile a properly noticed motion for an order authorizing an alternative means of  
13 service, including a discussion of the relevant legal standard, the specific alternative  
14 means of service requested, and whether such alternative means satisfy the requirements  
15 of due process and the Federal Rules of Civil Procedure.

16  
17 **IT IS SO ORDERED.**

18 Dated: November 18, 2015

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20 Hon. Anthony J. Battaglia  
21 United States District Judge  
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